

Following is the bill in full:

S. B. No. 4. By Senators Senter and Brachfield.

A BILL

To Be Entitled

An Act to require persons and corporations, or receivers, engaged in repairing railroad cars or other railroad equipment, not including locomotives, to erect and maintain buildings for the protection from rain, wind or other inclement weather, employes engaged in repairing railroad cars and other railroad equipment, and providing penalties for the violation of this act, and regulating penalties and repealing Chapter 53, Acts of the Thirty-first Legislature of the State of Texas, entitled "An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employes while engaged in labor in the service of said railroad companies, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That every person, corporation or receiver engaged in repairing railroad cars or other railroad equipment, not including locomotives, shall erect and maintain a building at every station or other point where as many as five men are regularly employed on such repair work, the building to cover a sufficient portion of its track so as to provide that all men regularly employed in the construction and repair of cars, trucks, or other railroad equipment, except locomotives, shall be sheltered from rain and fully protected from other inclement weather.

The provisions of this act shall not apply at points where less than five men are regularly employed in the repair service, nor at division terminals or other points where it is necessary to make light repairs only, on cars nor to cars loaded with time or perishable freight, nor to cars when trains are being held for the movement of said cars.

Sec. 2. Any person, corporation or receiver who shall violate the provisions of this act shall be liable to the State of Texas for a penalty in any sum not less than \$50 nor more than \$100, and each day of such failure or refusal to comply with the provisions of this act

shall be considered a separate infraction authorizing the recovery of a separate penalty.

Suit for recovery of penalties hereunder shall be brought by the Attorney General of this State or by the county or district attorney of the county in which suit is brought, and the county or district attorney, as the case may be, shall receive a fee of ten per cent (10%) upon each penalty recovered and collected by him in addition to the fee allowed him by law at this time, and said fee shall be over and above the fee allowed him by law at this time, and said fee shall be over and above the fees allowed under the general fee act in force in this State.

Sec. 3. That Chapter 53 of the Acts of the Regular Session of the Thirty-first Legislature, entitled "An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather, of their employes while engaged in labor in the service of said railroad company," be and the same is hereby repealed; that this act shall take effect ninety days after the adjournment of this Special Session; but that all persons, corporations or receivers affected by this act shall have until June 1, 1911, within which to comply with the provisions thereof.

Sec. 4. The importance of the legislation proposed in this bill and the probable early adjournment of the present session of the Legislature, rendering it improbable that this bill can be read on three several days in each house, creates an emergency and an imperative public necessity exists requiring the constitutional rule requiring bills to be read on three several days in each house be suspended, and said rule is hereby suspended, and it is so enacted.

SEVENTH DAY.

Senate Chamber,
Austin, Texas.

Friday, August 26, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Brachfield.
Alexander.	Bryan.

Cofer.	Perkins.
Greer.	Ratliff.
Harper.	Real.
Holsey.	Senter.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie.
Kauffman.	Terrell of McLennan.
Kellie.	Terrell of Wise.
Mayfield.	Veale.
Meachum.	Ward.
Murray.	Watson.
Paulus.	Weinert.
Peeler.	

Absent—Excused.

Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Kellie, the same was dispensed with.

(See Appendix for petitions, memorials and committee reports.)

ADDITION TO STANDING COMMITTEE.

The Chair here announced the appointment of Senator Hudspeth as a member of the Committee on State Penitentiaries to take the place of Senator Stokes, deceased.

PERSONAL PRIVILEGE REMARKS.

Senator Brachfield here moved that the remarks of Senator Real, as a matter of personal privilege, delivered on yesterday, be printed in today's Journal.

The motion prevailed, and the following are the personal privilege remarks:

After reading the following quotations from the San Antonio Light, Senator Real said:

“(By MacMillan.)

“Special Dispatch.

“Austin, Texas, August 24.—It has been years since so many railroad attorneys and lobbyists have hovered over the Legislature. The threat of a 2-cent fare bill, and the present danger of two or three railroad ‘twisters’ already on the calendar have been enough to fill the air with big black birds.

“As usual, a pretense is made of fighting these ‘cinch bills’ in the open by the vocal power of the brass-lined human throat. But this music is used, like the fife and drum corps in a militia company, merely to keep ‘the boys’ in step.

The real work is done in a more effectual way.

“Apparently, the Senate is still true blue to the railroads as it was last session. But it is going to take a cast iron nerve for any Senator, no matter how accustomed he may be to be trusted, to stand up to fight against the I. & G. N. receivership bill.

“This railroad company is trying to get away with \$2,000.00 owing to citizens of Texas—business men, widows, orphans and laborers—this by a hocus pocus in high finance.”

Mr. President and Gentlemen of the Senate:

For the first time since I have been a member of this body, I rise to a point of personal privilege. I do so fully upon my own account, and because I believe an injustice has been done to each and every member of the Senate of Texas. The article above read appeared in the San Antonio Light, Wednesday, August 24th, and is supposed to have been written by one MacMillan. The San Antonio Light being a paper of State-wide circulation and bearing the reputation of being an honorable and truthful journal, and being published in my district, I desire to call its attention to the erroneous and absolute misstatements of the article above, and always having believed it to be a newspaper of fairness and truthfulness, I believe that it will correct the above gigantic misrepresentation, or come forth with the proof to sustain said charges.

Having been born almost under the dome of the Alamo, where Texans fought for Texas, and the name of the Alamo being loved and revered by every Texan whose red Caucasian blood flows through his veins, my life, both personal and political, is well known to the people of my district, and to those who do not know me, I court the most strenuous investigation. The above charges, by insinuation and innuendo, having been made by a Democratic press in my district, and being a candidate for re-election, I especially invite the closest scrutiny of every act of mine, personal or political on every vote cast by me since I have been a member of this Senate. If found to be correct, then, and only then, do I ask for re-election by the voters of my district; if found otherwise, then I ask that you vote for my opponent.

But to the issue: The San Antonio Light misrepresents by its special Austin correspondent, the Senate of Texas. As to what has happened here in the years

past, I do not know, because I have only been a member of the Thirty-first Legislature. I am one who believes that a newspaper or a man should know of what he speaks, or he should not speak. The foul slanderer and assassin of character can easily tear down, many times by insinuation and assumptions, and when called upon fail to make good.

While, as stated above, I ask the closest personal scrutiny of every act of mine since I have been a member of this Senate, I, as the public knows, being the only Republican member of the Senate, but I am one who believes a man can be honest and sincere and be of a different religious and political faith than myself. I know that every member of this Senate is an honest, clean, high-toned representative of the people who have sent him here, and any pretense or misrepresentation otherwise, without some direct, absolute charge, is an injustice, not only to every one individually, but to the Senate in its entirety and a slap at those who sent them here. It seems to me that the wholesale slandering of public officers of Texas by newspapers should cease at some time. I am absolutely in favor of going to the depths of all accusations of graft and corruption if to be found anywhere, by any of our officers, but I believe there is no such in the Senate of Texas, because for two years, by daily association with each and every Senator, I would have at some time or upon some occasion found it out.

I hereby challenge the San Antonio Light to make some direct charge against myself, or any member of the Senate of Texas, of wrong doing, not by insinuation or general innuendo, but specifically stating any fact or facts known by said newspaper or correspondent, or forever stand in the eyes of honest people and the free press of this State as assassins of character and libelous slanderers of the names of honest men.

Morning call concluded.

SENATE BILL NO. 6.

Action recurred on pending business.

Senate bill No. 6, a bill to be entitled "An Act to amend Articles 4549 and 4550 of Chapter 11, Title 94, of the Revised Statutes of the State of Texas, and prescribe the conditions upon which the purchaser or purchasers, and associates, if any, of the property and franchises of a railroad company may become owners of its charter, or may organize a new corporation, and governing, regu-

lating and limiting the stocks and bonds of the new corporation, and of the old corporation, after the sale of its property and franchise, and declaring an emergency."

The question being on the following pending amendment by Senator Hudspeth:

Amend the bill by inserting the following as Section 3 and number old Section 3, Section 4:

"Section 3. The limitations and conditions imposed by this act upon the purchaser or purchasers of any such property and franchises, taking same at any such sale, subject to the payment by such purchaser or purchasers of all the subsisting liabilities, claims and demands of any such railway company, as provided in Article 4549 herein, and the provisions in Article 4550 herein, that the property and franchises so purchased shall be subject to the same liabilities claims and demands in the hands of the new corporation as in the hands of the sold out corporation, shall not apply to the sale of any railway property and franchises sold under foreclosure of a mortgage securing bonds, all of which bonds were authorized issued and registered, and which mortgage was executed and registered subsequent to the enactment of the 'Stock and Bond Law,' same being Chapter 14, of Title 94, of the Revised Statutes of the State of Texas of 1895."

Pending.

Pending discussion on the above amendment.

Senator Alexander offered the following amendment to the amendment:

Amend the amendment by adding the following: "Provided, that should the courts declare this section of this act unconstitutional or unauthorized by law, then such decision shall affect only this section and shall not affect any other section or part of this act."

Pending.

(Senator Veale in the chair.)

RECESS.

On motion of Senator Hume, the Senate, at 12:30 o'clock, recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor A. B. Davidson, and on motion of Senator Hume, the Senate was a further at ease for fifteen minutes.

SENATE BILL NO. 6.

At 3:15 o'clock the Senate was again called to order and

Action recurred on Senate bill No. 6, the question being on the amendment by Senator Alexander to the amendment by Senator Hudspeth.

(Senator Veale in the chair.)

ADJOURNMENT.

Pending discussion on the above amendments,

Senator Watson moved that the Senate adjourn until 10 o'clock Monday morning.

Senator Perkins moved, as a substitute, that the Senate adjourn until 10 o'clock tomorrow morning.

Action recurred on the longest time first, the motion to adjourn until Monday morning was lost by the following vote:

Yeas—12.

Adams.	Murray.
Alexander.	Peeler.
Hudspeth.	Real.
Hume.	Terrell of McLennan.
Kauffman.	Watson.
Kellie.	Weinert.

Nays—14.

Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of Wise.
Holsey.	Veale.
Mayfield.	Ward.

Absent.

Meachum.	Senter.
Paulus.	

Absent—Excused.

Willacy.

The motion to adjourn until tomorrow morning at 10 o'clock prevailed by the following vote:

Yeas—14.

Adams.	Peeler.
Alexander.	Perkins.
Harper.	Real.
Hudspeth.	Senter.
Hume.	Terrell of McLennan.
Kellie.	Watson.
Murray.	Weinert.

Nays—13.

Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	Veale.
Kauffman.	Ward.
Mayfield.	

Absent.

Meachum.	Paulus.
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Absent—Excused.

Willacy.

APPENDIX.

PETITIONS AND MEMORIALS.

By Senator Adams:

At a meeting of the citizens of Stephenville the following resolution and petition were adopted:

Resolved, That this petition be sent, a copy each to our Representatives in the House of Representatives and to the Senator for this district, with request that it be read in each house as an expression of the wishes and sentiments of this meeting.

J. J. BENNETT, Chairman.

G. W. JENKS, Secretary.

To the Legislature of Texas:

We, the citizens of Stephenville, Texas, respectfully petition that you provide some relief from the extortions and robberies of the insurance companies which now do and have done business in Texas.

We show that for the past ten (10) years the average insurance premiums paid by this city amount to twenty thousand dollars (\$20,000) per year, making a total of about two hundred thousand dollars (\$200,000), and that during that period the losses paid to insurers of this town do not exceed ten thousand dollars (\$10,000).

We show that, notwithstanding this enormous disproportion between premiums paid and losses paid at the rates then existing, that the insurance companies operating in this field have raised the rates of insurance many times what they were during the times stated.

We show that acting professedly under the laws as they now exist the insurance companies operating in this field have made rates for insurance which are so exorbitant that no legitimate business can possibly pay them and survive.

We further show that some of the rates demanded by said insurance companies are so wholly exorbitant that to demand is practically to provide that the property of the citizens of this city shall not be insured at all.

We further petition that such laws shall be enacted as shall enable the citizens of Texas to incorporate insurance companies within this State upon such terms and provisions as shall best facilitate that object, to the end that the enormous sums heretofore paid to insurance companies shall remain in Texas.

We further petition that the Legislature of Texas, in addition to such legislation as shall favor the incorporation of companies within this State, shall make the laws of Texas so burdensome to insurance companies incorporated without this State and which seek to extort unreasonable rates that they can not do business within this State, and that they shall be at once compelled to abandon this State as a field for robbery, or else make reasonable rates.

We believe that the State of Texas is able to provide for all the insurance companies that are needed, or that will ever be needed; and we believe it will be best for the State that its people do its own insurance, and that they cease to send out of this State the enormous sums heretofore paid in insurance premiums until reasonable and just rates of insurance are secured.

J. J. BENNETT, Chairman.

G. W. JENKS, Secretary.

By Senator Terrell of McLennan:

Waco, Texas, August 25, 1910.

To Hon. H. B. Terrell, Austin, Texas.

Dear Sir: The Journeymen Barbers, Local 179, Waco, Texas, being in favor of the Spider Bill being adopted by the Senate, hope to have your support and good will for the adoption of same and will appreciate very much your consideration in this matter.

Yours,

C. L. TERRIN,

Corresponding Secretary.

Representing fifty-two members.

By Senator Veale:

Amarillo, Texas, August 25, 1910.

Hon. J. W. Veale, Austin, Texas:

We urge you to support car shed bill endorsed by chairman of labor department.

T. H. BUTLER,

Sec. B. R. C. of A., Amarillo, Texas.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, August 26, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Finance Committee, to whom was referred

House bill No. 14, A bill to be entitled "An Act to make an appropriation for one clerk for the Commissioner of Pensions for the year ending December 31, 1910, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Weinert, Chairman; Sturgeon, Brachfield, Peeler, Harper, Meachum, Murray, Holsey, Terrell of Bowie, Paulus.

(Floor Report.)

(Majority Report.)

Austin, Texas, August 26, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Finance Committee, to whom was referred

Senate Concurrent Resolution No. 1, as follows:

"Whereas, On the night of August —, 1910, a company of State rangers were led into a trap and fired upon from ambush, resulting in the killing of two rangers and the serious wounding of two others; therefore, be it

"Resolved by the Senate, the House concurring, That the Governor be and he is hereby authorized to offer a reward of not exceeding \$5000 for the arrest and conviction of the guilty party or parties, said reward to be paid upon such conditions as the Governor may prescribe.

"For the purpose of carrying into effect the provision of this resolution there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of \$5000, or so much thereof as may be necessary, to pay such reward as the Governor may see proper to offer."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Weinert, Acting Chairman; Paulus, Peeler, Meachum, Harper, Sturgeon, Holsey, Murray.

(Minority Report.)

Committee Room,
Austin, Texas, August 26, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: A minority of Finance Committee, to whom was referred

Senate Concurrent Resolution No. 1, as follows:

"Whereas, On the night of August —, 1910, a company of State rangers were led into a trap and fired upon from ambush, resulting in the killing of two rangers and the serious wounding of two others; therefore, be it

"Resolved by the Senate, the House concurring, That the Governor be and he is hereby authorized to offer a reward of not exceeding \$5000 for the arrest and conviction of the guilty party or parties, said reward to be paid upon such conditions as the Governor may prescribe.

"For the purpose of carrying into effect the provisions of this resolution, there is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of \$5000, or so much thereof as may be necessary, to pay such reward as the Governor may see proper to offer."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass, for the reason that I believe the resolution is unconstitutional.

TERRELL of Bowie.

EIGHTH DAY.

Senate Chamber,
Austin, Texas,
Saturday, August 27, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Kellie.
Alexander.	Mayfield.
Brachfield.	Meachum.
Bryan.	Murray.
Cofer.	Paulus.
Greer.	Peeler.
Harper.	Perkins.
Holsey.	Ratliff.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie
Kauffman.	Terrell of McLennan.

Terrell of Wise.	Watson.
Veale.	Weinert.
Ward.	

Absent.

Real.	Senter.
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Absent—Excused.

Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

(See Appendix for petitions, memorials and committee reports.)

Morning call concluded.

SENATE BILL NO. 6.

Action recurred on the pending business,

Senate bill No. 6, a bill to be entitled "An Act to amend Articles 4549 and 4550 of Chapter 11, Title 94, of the Revised Statutes of the State of Texas, and prescribe the conditions upon which the purchaser or purchasers, and associates, if any, of the property and franchises of a railroad company may become owners of its charter, or may organize a new corporation, and governing, regulating and limiting the stocks and bonds of the new corporation, and of the old corporation, after the sale of its property and franchise, and declaring an emergency."

The question was on the amendment by Senator Alexander to the amendment by Senator Hudspeth (see proceeding of yesterday for the amendments).

(Senator Ward in the chair.)

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 27, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 4, A bill to be entitled "An Act to amend Articles 4549 and 4550, of Chapter 11, Title 94, of the Revised Statutes of the State of Texas, and to prescribe the conditions upon which the purchaser or purchasers and associates, if any, of the property and